

# Rehabilitation Environmental Review (2004)

This **RER** tiered review format [per 24CFR §58.15] may only be used for the environmental review of the rehabilitation of existing residential structures [according to §58.35(a)(3)] with or without the acquisition of the existing structure [according to §58.35(a)(5)]. It may not be used for projects involving changes of use or new construction activities. It may be used for the rehabilitation of individual units in a multi-family structure, but not for the rehabilitation/acquisition of an entire multi-family building, where using a Statutory Worksheet is recommended.

**Program/project name and description:**

**From (month/year):**

**To (month/year):**

**Definition of Area of Consideration:**

(Attach a composite map showing area of consideration and floodplains)

## **Instructions:**

The Factors addressed in this RER form apply to the entire area of consideration (see NOTES below). Prepare an **MRER** form **once for each program** that meets the criteria of minor rehabilitation/acquisition at §58.35, and retain it in the Environmental Review Record (**ERR**). A new RER must be completed whenever there are changes in the area of consideration or changes in the environmental conditions which could affect the program or which may bear on the program's impact on the environment. Publish or disseminate a Notice of Intent to Request Release of Funds (NOI/RROF) per §58.70, after completion of this RER. The **NOI/RROF** shall identify the issues to be addressed in the **site-specific reviews (Appendix A)** per §58.15. **Do not commit HUD funds** to specific projects **before obtaining the Authority to Use Grant Funds** (HUD form 7015.16) for the program or before completing the site-specific **Appendix A**.

**Site specific issues** (historic preservation, air quality, explosive/flammable operations, toxic substances, airport clear zones) which apply to individual rehabilitation/acquisition proposals, shall be addressed by completing **Appendix A** when an individual loan or grant application is received. Before **approving any site-specific loan or grant**, complete the **Appendix A** for each structure, document and implement the mitigation of impacts as necessary, and keep all supporting documents in the **ERR** as evidence of compliance.

## **Area-wide Factors**

### **Floodplain Management**

☐ Check box only if no part of the area of consideration is located in a Special  
1 Flood Hazard Area (**SFHA**, i.e. area designated "A" or "V" Zone by FEMA) .

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(Source documentation, e.g. FIRM panel number[s] and date)

**If any part of the area of consideration is in a SFHA, complete Part I on back.**

### **Coastal Zone Management**

☐ Check box if no part of the area of consideration is within the Coastal  
Zone according to the California Coastal Commission, Hawaii Coastal Commission, San Francisco Bay Conservation & Development Commission or the Planning Department (if certified Local Coastal Plan).

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(Source documentation)

**If any part of the area of consideration is within the Coastal Zone, complete Part II on back.**

## **NOTES:**

1. **Area of consideration** is the geographic portion of a City or County from which applications for rehabilitation/acquisition loans or grants are to be accepted under this HUD-funded program.
2. Ordinarily, the following **laws/authorities listed at 24 CFR 58.5** are not invoked by housing rehabilitation projects under the identified citations or references: Wetland Protection, Executive Order 11990, Sections 1(a) and 2(a); Endangered Species Act, 16 USC 1531 et seq. as amended, particularly 16 USC 1536, 50 CFR 402; Wild and Scenic Rivers Act of 1968, 16 U.S.C. 1271 et. seq., as amended [particularly Sections 7(b) and (c)]; Farmland Protection Act, 7 CFR 658.3(c); Noise Abatement, 24 CFR 51.101(a)(2); Sole Source Aquifers, Memorandum of Agreement between HUD Region IX and U.S. Environmental Protection Agency Region IX, dated 4/30/90, and Executive Order 12898 Environmental Justice. **Should exceptional circumstances require compliance steps with any of these authorities, such compliance must be documented prior to approving the site-specific loan or grant.**

## **Part I FLOODPLAIN MANAGEMENT**

Complete this part if this program will ever involve any of the following activities within Special Flood Hazard Areas: (1) property acquisition, (2) rehabilitation of single family units exceeding 50% of the market value of the structure before rehabilitation, or (3) rehabilitation of multifamily residential structures.

1. Before approving any minor rehabilitation/acquisition loans or grants within a SFHA, comply with Executive Order 11988 by completing the 8-step-decision-making process for the entire area of consideration, according to 24 CFR §55.20. **ATTACH A COPY OF THIS 8-STEP PROCESS (including copies of all published notices).**
2. Did completion of the 8-step process result in a determination that there is no practicable alternative to carrying out rehabilitation and/or acquisition of residential units within the Special Flood Hazard Area?  
( ) Yes ( ) No
3. Is the community participating in the National Flood Insurance Program?  
( ) Yes ( ) No
4. If either answer to questions #2 and #3 (or to both) is no, loans and grants may not be approved within the Special Flood Hazard Area.
5. If both answers to questions #2 and #3 are yes, compliance review of this factor is complete.

**NOTE:** As an alternative to doing the 8-step process, the responsible entity may choose to revise the boundaries of the area of consideration to exclude the Special Flood Hazard Areas (**SFHA's**). However, properties within the excluded portions would then be ineligible for HUD-assisted acquisition/rehabilitation loans or grants under this program.

**WARNING:** The Flood Disaster Protection Act (listed at §58.6) additionally mandates the purchase of **flood insurance** for buildings located in SFHA's as a condition of approval for federal financial assistance. Flood insurance protection is mandatory for acquisition, construction, reconstruction, repair and improvement activities, but **not for routine maintenance** activities. Recipients with projects located in SFHA's are responsible for ensuring that flood insurance is maintained for the statutorily-prescribed period and dollar amount. In the case of grants, flood insurance must be maintained for the life of the building. In the case of loans, flood insurance must be maintained for the term of the loan. The necessary documentation for compliance is the Policy Declaration form. The amount of flood insurance coverage must be at least equal to the total project cost (less the estimated land cost) or to the maximum limit of coverage made available by the Act.

## **Part II COASTAL ZONE MANAGEMENT**

Complete this part only if you have determined that the area of consideration (or portions of it) is within the Coastal Zone.

1. Have all acquisition/rehabilitation activities under this program been found to be consistent with the applicable Coastal Zone Management Plan?

( ) Yes ( ) No

Source of this finding is:

- ( ) certified local Planning Department
- ( ) California Coastal Commission / Hawaii Coastal Commission
- ( ) San Francisco Bay Conservation & Development Commission

- a. If question #1 was answered "Yes", STOP HERE. Compliance with the Coastal Zone Management Act is documented.
- b. If question #1 was answered "No", require the acquisition of the coastal zone permit or determination of consistency.

**DO NOT APPROVE ANY HUD-FUNDED LOAN OR GRANT WITHIN THE COASTAL ZONE before doing this.**

Preparer Name and Title	Signature	Date
Responsible Entity Official-Name	Signature	Date